

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

United States Court
Southern District of Texas
FILED

AUG 30 2012

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

Paul J. Bradley, Clerk of Court

Jose Ruben Argueta Padilla #77607-279
Plaintiff's name and ID Number

Place of Confinement

CASE NO. _____
(Clerk will assign the number)

v.

United States of America
Defendant's name and address

Willacy County Detention Center
Defendant's name and address

DOE 1-10
Defendant's name and address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

- In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? ___ YES ☒ NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: _____
2. Parties to previous lawsuit:
 Plaintiff(s) _____
 Defendant(s) _____
3. Court: (If federal, name the district; if state, name the county.) _____
4. Docket Number: _____
5. Name of judge to whom case was assigned: _____
6. Disposition: (Was the case dismissed, appealed, still pending?) _____
7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: Giles W. Dalby Correctional Facility

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution?

X YES ___ NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Jose Ruben Argueta Padilla is
encarcerated in the Giles W. Dalby C. F. in Post Texas.

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: United States of America is a federal entity
duly organized and existing under and by virtue of the
laws of the United States of America

Plaintiff is informed and believes, and thereon alleges,
that at all times herein concerned defendants, and each
of them, and all times herein alleged were acting within
the course and scope of said agency and employment.

Defendant #2: Willacy County Detention Center is a
department and subdivision of Defendant the United
States of America.

Concerned defendants, and each of them, were the agents,
servants and employees of each of the other defendants.
All acts by defendants, and each of them, were ratified
by each and every municipal/governmental/corporate
defendant, jointly and severally.

Defendant #3: DOES 1-100, inclusive, and therefore sue
these defendants by such fictitious names because they
are legally responsible in some manner for the events and
happenings herein referred to, and caused injury and damages
proximately hereby to Plaintiff as herein alleged. Plaintiff will
amend this complaint to allege their true names and capacities
when ascertained.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Plaintiff is suing Defendants alleging they exercised deliberate indifference to his serious medical needs by not providing him with adequate care when he was transferred to the U.S. Courthouse located in Brownsville, Texas, in Sep. 6, 2011.

Initially Plaintiff claims deliberate negligence when he was medically cleared for transport by the Willacy County Detention Center and transported by its employees to the Courthouse. Further, the U.S. Marshall's failed to ensure he had proper medical attention prior to instituting him into an ordinary facility that limitedly provides medical care.

As a result, Plaintiff suffered a convulsion while in court causing him to fall and injure himself.

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff seeks compensatory and punitive damages in the amount of \$ 5,000,000.00 from each Defendant. He also seeks a preliminary and permanent injunction ordering the Defendants to provide him appropriate medical treatment.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES X NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES X NO

C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES _____ NO

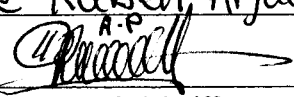
D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date warnings were imposed: _____

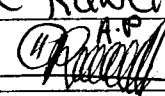
Executed on: 08/24/2012
DATE

José Rubén Argueta Padilla

(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 24 day of August, 2012.
(Day) (month) (year)

José Rubén Argueta Padilla

(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

Jose Arqueta-Padilla
Reg. No. 77607-279
Giles W. Dalby C.F.
805 North Avenue F
Post, Tx. 79356

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
DAVID J. BRADLEY, DISTRICT CLERK
BOB CASEY U.S. CORTHOUSE
515 RUSK
HOUSTON, TX 77002-2603

LEGAL MAIL

